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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/744,493	06/19/2001	Vincent Bryan	46739/252170	5642
27683	7590 12/14/2004	EXAMINER		INER
HAYNES AND BOONE, LLP			STEWART, ALVIN J	
901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			ART UNIT	PAPER NUMBER
			3738	
			DATE MAILED: 12/14/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Notice of References Cited (PTO-892)

Paper No(s)/Mail Date __

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

4) Interview Summary (PTO-413)

Paper No(s)/Mail Date. _

6) Other:

5) Notice of Informal Patent Application (PTO-152)

Art Unit: 3738

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 16 & 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Lines 3-5 are not clear.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The applied reference has common inventors with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

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Claims 1, 2, 4, 7-10, 12, 13, and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bryan et al US Patent 5,674,296.

Bryan et al discloses a spinal disc implant comprising a cylindrical housing (42 & 44, the plates have cylindrical shape), the housing includes an upper half (42) and a lower half (44) and a plurality of resilient viscoelastic discs (20 & 22) interposed between the housing.

Regarding claim 2, the Examiner interpreted the claims as following: Figure 6 discloses two ovoid discs (one on top of the other) interposed between an upper half (located below vertebrae 372) and lower half (located above vertebrae 374).

Regarding claim 4, see element structures 102 and 104.

Regarding claim 20, see Fig.4, element structure 110.

Regarding claim 21, see Fig. 4.

NOTE: the word "viscoelastic" does not need to be made of hydrogel. See attachment to see the meaning of the word "viscoelastic".

Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Navas US Patent 5,375,823.

Navas discloses an implant (see Fig. 4) comprising a cylindrical housing (1), the housing includes an upper half (7) and a lower half (10) and a plurality of resilient viscoelastic discs (4 & 6) interposed between the housing.

Regarding claim 3, the internal cavity is concave and has at least one post (30) extending from the concave surface into a central portion of the disc.

Claims 1, 4-6, 8, 10, 11, 13, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Mehdizadeh US Patent 5,928,284.

Mehdizadeh discloses a spinal disc implant (10) comprising a cylindrical housing (11 & 12), the housing includes an upper half (11) and a lower half (12) and a plurality of resilient viscoelastic discs (13 & filling disclosed in col. 2, lines 51-57) interposed between the housing.

Claims 11, 12, 16, 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Rogozinski US Patent 5,888,226.

Rogozinski discloses a spinal disc implant comprising a cylindrical housing the housing includes an upper half (20) and a lower half (20) and a plurality of resilient viscoelastic discs (10) interposed between the housing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Stewart whose telephone number is 703-305-0277. The examiner can normally be reached on Monday-Friday 7:00AM-5:30PM(1 Friday B-week off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on 703-308-2111. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner Art Unit 3738

December 10, 2004.

acces (Chem.). See cellulose xambate. acces fibre (rayon) (Textiles). Fibre Fibres of regenerated ip or cotton linters

cellulose made from wood pulp or cotton liners dissolved in aqueous sodium hydroxide containing carbon dissipable. After passing the viscous solition through spinners to the cellulose is regenerated in fibre form by passing it through mineral acids.

I have been been considered to fibre form by passing it through mineral acids.

I have been been considered to fibre form by passing it through mineral acids.

I have been the two mineral acids to shear former, and hence to flow. Such shear resistance is proportional to the relative velocity between the two surfaces on either side of a layer of fluid, the area in theart, the conflicted to fa layer of fluid. For comparing the viscosities of liquids various eales have been devised, e.g. Redwood No. 1 second (UK), 200601 Universal seconds (US), Engler degrees (Germany). See also because the second of the layer of fluid seconds (US), Engler degrees (Germany). also kinematic vincasity.

particles, considered to be aggregates of molecules, move along streamlines so that at any point in the fluid the velocity is constant or varies in a regular manner with respect to time, random motion being only of a molecular nature. The name is also used to describe laminar flow or secous damping (Phys.). Opposing force, or torque, proportional to velocity, e.g., resulting from viscosity of oil or from eddy currents.

lag between the intensity of magnetization and the magnetizing force producing it.

when the desiration are the magnetization and the magnetizing force producing it.

when the desiration is abdomen heart, langs, liver, sphen, intensines, etc. pl. vicerra, adj. vicerral.

when the (Eng.). See the suphate-bearing equivalent of contraint, found in expheline syenite.

when the (Eng.) See the suphate-bearing equivalent of contraint, found in expheline syenite.

when the (Eng.) The main of the luminous flux, in lumens, to the corresponding energy flux, in watts, the supplied of sufficient size can be seen and recognized in correct joint for the first state of the supplied of sufficient size can be seen and recognized in correct joint for the supplied of the supp

stability curve (Image Tech.). The relation between viability and wavefungth. Owing to varying sensitivity of the eye, this curve indicates a maximum at 355 mn, which is a bright green.

satisfity master (Meteor.). A meter which attenuates visibility to a standardized value, and measures such substry sector (Teleconon.). The ratio of the minimum signal imput power to a radar, TV or facamile receiver for which an ideal instrument can detect the output signal, to the corresponding value when the output signal is detected by an observer watching the CRT.

sable horizon (Surv.). Junction of sea or earth with sky as seen from observer's position. Also called apparent or

exactific normon, (Phys.). Electromagnetic radiation which falls within the wavelength range of 780 to 380 mm, over which the normal eye is sensitive.

element (Med.). See viscus.

element arch (Zool.). See gill arch.

element decits (Zool.). The gill defts, or

abordive gill defts of higher Verdebases,

element loost (Ver.). See when goot. through the minimum dissipation, and, storage of the mechanical energy. Shown typically by polymers dy the mechanical energy. An instrument for measuring viscosity, Many types of viscometer employ Polemette's formula for the rate of flow of a viscous fluid through a capillary als (Med.). See enteropious.
 (Phys.). A solid or liquid which when a chibits both viscous and clastic behaviour? especially the Veterwison (Image Tech.). TN discussions (Image Tech.). TN discussion (Image Tech.). TN discussion (Image Tech.). TN discussion (Image Tech.). The stress discussion (Image Tech.) and the remarks (Phys.). A term under resolving power of the eye. Meisung minimum angle of separation within at the eye between two points beginning two separate rowns. patterns corresponding to characteristic used as an aid to speech training under Sec senegram. lighting system known as the Vision Abbrev. VASI. being directed through restricting to the is below, on or above and in the path for an accurate touchdown. The path for an accurate touchdown at the Aircraft Establishment from a the

Abbre., VAS.

Components may be seen as seen as seen as seen as seen as seen of glass.

Liter is a vertical drop, over which from falling by a sheet of glass.

Liter is a vertical drop, over which from falling by a sheet of glass.

Literature of the visual properties of seen as a result of the visual properties.

Literature of discrimination and properties of a dominant colour.

Literature of the eye to high breds in a seen as s

vessel stight rules (Arc.). The months of the controlling authority starting the mining the mining the manner of the controlling authority starting the mining authority cloud best and the controlling the distance to be maintained the cloud. Abbrev. VFR. ditions in which an aircraft cast air-traffic control except in co

visual purple (Phys.). See the state of the graphic cmulsion.

rigarant; iodopsin, sequences, performed in preparation farm that as SUMPF standard undercarriage, mixture, pinch; was expelled from the lungs affect awally of the order of 4 threatments awalled in momentum (AeA.). A methic in the sumper because of its momentum performance as chromation (AeA.). The sealops, based on 62.5 Cells (5-56%), managenese (0.5.40%), including the commont. without killing them without killing them

The he diet for the proper functioning of Track causes deficiency diseases curable by a the appropriate vitamin. There are two right soluble vitamins A, D, E and K, and inherized in the skin from cholesterol.

ii), a-locopherol. A vitamin involved in the skin from cholesterol. (d.). A necessary requirement Chyanic substances required in relatively positrumbin, the precursor of thrombin, precursor of thrombin, the precursor of thrombin, precursor of thrombin, 렃

train source, vitamins A, D, E and C, and the vitamins of the B train A and the vitamins of the B train A yolk-forming gland. Yolk-secreting or producing

instruitzed ovum to prevent the entry ol.). Egg-yellow; pertaining to yolk.

mas. (Zool.). A protective membr

IN for synthetic rubber based on a manylidene fluoride and hexa-fluoroprotchy depigmentation of the skin often treation line and associated with auto-

(Eng.). Glazed coating fused on to steel tits rubber-like properties over a very citange and is chemically very resistant. ction and/or decoration. (Zool.). The jelly-like substance filling inter of the Vertebrate eye, between the

hys.). A non-crystalline solid or rigid The former has minute gas bubbles. Also fused silica, quartz glass, silica lass). A vitreous material consisting of silica, made in translucent and

regar (4) B6 (pyridoxal). As its phosphate impine for transaminases. (5) Pantothenic principal of coenzyme A. (6) Biotin. The impine the enzyme carboxylase. (7) Folic regarding. Serves as a donor of 1-carbon more all biosyntheses. Deficiency inhibits and the control of the carbon in the control of the carbon in the carbon Thency results in the disease beri-beri trand cereal germs. (2) B2 (riboflovin) in the prosthetic group of flavoproteins Component of the coenzyme nicotin micheotide, NAD. Deficiency results i high include the synthesis of purines: (8)

manums and blood vessel weaknesses which chuit and green vegetables are important

phosphoprotein present in the yolk of

Yolk of egg.

by supercooling the melt. Also glass)

Ag.). The incorporation of radioactive

group of the light sensitive products of vitamin A causes night and young animals for growth and products are rich sources of

(A) (Biol.). (1) B1 (thiamin). As its mark (Biol.). (1) B1 (thiamin). As its fair functions as a coemzyme of various fair functions are accommon to the common results in the disease beri-beri. part in enzymic interconversions of acyl pubylations. Used in the treatment of

inia Liver is a rich source.

bit). Ascorbic acid. Important in the of collagen which in its absence is pairoxylated. The defective collagen pro-

Thamhorous metabolism. Deficiency im-th and causes the disease ricketts. Fish Lanch source and the vitamin can, in), Calciferol. The vitamin involved in

VAITAMS (Comp.). TN for an IBM operating system.

VAIE (Comp.). The ICL proprietary operating system.

VAIOS (Electronics). A MOS technology in which four
diffused layers are formed in silicon and V-shaped
grooves are precisely exched in the layers. Metal is then
deposited over silicon dioxide (an insulator) to form gate
and other electrodes. Higher current densities can be used
than with other MOS techniques and a higher density of components per chip achieved.

VMS (Comp.). TN for a DEC operating system for its

VAX range of computers.

Van diagram (Aero.). See flight carelage.

vacal cords (Zool.). In air-breathing Vertebrates, folds of
the liming membrane of the larynx by the vibration of the
edges of which, under the influence of the breath, the

voice is produced.

voice is produced.

In many male Frogs, loose folds of skin special sac (Zool.). In many male Frogs, loose folds of skin at each angle of the mouth which can be inflated from at each angle of the mouth into a globular form, and act as

speech using recorded speech elements.

speech using recorded speech elements.

redus (Telecomm.). Abbrev. for Voice Operated Device

wades (Telecomm.). Abbrev. for Voice Operated Spring

contain radio telephony.

contain radio telephony.

reder (Acous.). Voice operation demonstrator. System for

reder (Acous.). Voice operation demonstrator. racader (Acous.). Voice coder. System for synthetic producing synthetic speech through keyboard control of

wogad (Telecomm.). Abbrev. for Voice Operated Gain-Adjusting Device. Used in telephone systems to give an approximately constant volume output for a wide range

of input signals.

of input signals.

A hombleade-lamprophyre, the other regestin (Min.). A hombleade-lamprophyre, the other essential constituent being orthoclase. Cf. specaritie.

seates soil (Acous.). The coil attracts react with the magnetic loudspeaker. The coil currents react with the magnetic field to drive the cone. Also used in microphones to

fundamental frequency which is determined by the tension of the oscillating muscles in the larynx. water (Acous.). Device which deliberately distorts generate the signal related account in speech, an elemental sound in which the component frequencies are exact multiples of a which the component frequencies speech for specific purpose, e.g. telephonic imitation

composite materials (e.g. glass beads in a metal matrix) and synthetic minerals. See Symroc. withmits (Geol.). An oxygen-rich maceral that is found in coal.

whitel (Chem.). Supplurie acid. Also oil of.
withel (Min.). See blues, green, wildle,
withele (Min.). See blues, green, or office
witheleastic structure (Geol.). The characteristic structure
of volcanie ashes which have been produced by the
of volcanie ashes which have been produced by the

disruption of highly vestcular glassy rocks, most of the component fragments that shaving concave outlines, released (Min.). Hydraud in the component of the co have already reached an advanced stage of development; rivianite (Min.). Hydrated iron phosphate (Fe₃P₃.

cf. origanous, n. viviparity.

wiwpary (Bot.). (1) The production of bulbits or small wiwpary (Bot.). (1) The production of bulbits or small plants in place of flowers, as in e.g. Festuca wivipara. (2) The premature germination of seeds or spores before they are shed from the parent plant as in many mangrove

VLBI (Astron.). Very Long Baseline Interferometry.

VLSI (Comp.). Very large scale integration refers to a chip with 100 000 or more logic gates.
VLSI (Electronics). Abbrev. for Very Large Scale Integrachique of aperture synthesis used in radio assuments link telescopes separated by thousands of kilometers. VLF (Telecomm.). Abbrev. for Very Low Frequencies. esis used in radio astronomy to

tion, referring to integrated circuits where a component density of the order of 10000 devices is achieved on a

single chip. **VLS machanism** (*Phys.*). See **vapour-liquid-solid mechan**

VMC (Aero.). Abbrev. for Visual Meteorological Condi-